UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,182	11/09/2001	Jill K. Jinks	043409/241030	4135

826   7590   02/07/2006

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EXAMINER
RINES, ROBERT D

ART UNIT	PAPER NUMBER
3626	

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/008,182	JINKS, JILL K.
	Examiner	Art Unit
	Robert D. Rines	3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 November 2001*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *11/9/01*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Notice to Applicant

[1]   This communication is in response to the patent application filed 9 November 2001. It is

noted that this application benefits from Provisional Patent Application Serial No. 60/247,364

filed 9 November 2000. The IDS statement filed 9 November 2001 has been entered and

considered. Claims 1-17 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.

2.   Ascertaining the differences between the prior art and the claims at issue.

3.   Resolving the level of ordinary skill in the pertinent art.

4.   Considering objective evidence present in the application indicating obviousness

      or nonobviousness.

[2]   Claims 1-3, 5-8, 10-12, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Johnson et al. (United States Patent Application Publication #2005/0240451) in view of

French et al. (United States Patent Application Publication #2001/0037281).

[A]   As per claim 1, Johnson et al. teaches a system for interactively evaluating a commercial

insurance risk based on underwriting information for an insurance carrier comprising: an agent

interface (Johnson et al.; paragraph [0008] [0026]) a carrier interface (Johnson et al.; paragraph

[0026]); and an interactive insurance server communicatively connected to the agent interface

and the carrier interface through a network (Johnson et al.; paragraph [0026] [0043]) wherein the

interactive insurance server receives insurance information comprising a commercial insurance

class from the agent interface (Johnson et al.; paragraph [0034]), receives underwriting

information comprising at least one underwriting rule for an insurance carrier (Johnson et al.;

paragraphs [0011] [0036]), stores the insurance information and the underwriting information in

a database associated with the interactive insurance server (Johnson et al.; paragraphs [0034]

[0036]) retrieves the respective underwriting rule for an insurance carrier from the database

(Johnson et al.; paragraphs [0029] [0036]) and processes the insurance information in accordance

with the respective underwriting rules and determines whether a premium quotation may be

issued (Johnson et al.; paragraphs [0029] [0037]).

[i]   Although Johnson et al., provides functions that would indicate that Johnson et al.,

contemplated applying the system to insurance plans offered by multiple insurance carriers, e.g.,

user selection of insurance plans from multiple insurance plan options generated by the system

(Johnson et al.; paragraphs [0053] [0054]), and user access to documentation regarding the

insurance company providing the products (Johnson et al.; paragraph [0070]) indicating that

potentially more than one insurance company's data/underwriting rules are accessible by the

system, the Johnson disclosure appears to be primarily directed to in house use by a single

carrier. Therefore, Johnson et al. fails to teach interfaces to multiple or a plurality of insurance

carriers.

[ii]   However, French et al., teaches receiving data/information related to the underwriting of

an insurance policy from a plurality of insurance carriers from the carrier interface (French et al.;

paragraphs [0029] [0030] [0033]).

[iii]   It would have been obvious to one of ordinary skill in the art at the time the invention

was made to have combined the teachings of Johnson et al. with those of French et al. Such

combination would have resulted in a system/method for the customized development of

insurance plans for a customer (Johnson et al.; Abstract). Additionally, such a system/method

would serve to store customer data and insurance plan requirements data in a database such that

customer selections/information and the insurance plan information could be used to construct a

set of insurance plans for consideration by the customer (Johnson et al.; paragraphs [0034]

[0036] [0037]). Lastly, such a method/system would expand the insurance plans available to the

customer to include a variety of plan proposals from two or more carriers (French et al.;

paragraph [0006]). The motivation to combine the teachings would have been to enable customer

selection from insurance plan proposals from one or more carriers who sell the desired product,

thereby providing the customer with the best price quote for the product (French et al.;

paragraphs [0006] and [0009]).

[B]   As per claim 2, Johnson et al., teaches a system wherein in response to a determination

that a premium quotation may be issued, the interactive insurance server further calculates a

premium quotation for at least one insurance carrier (Johnson et al.; paragraphs [0029] [0036]).

Johnson et al., fails to specifically teach data/information exchange with two or more insurance

companies.

[i]   However, French et al., teaches receiving data/information related to the underwriting of

an insurance policy from a plurality of insurance carriers from the carrier interface (French et al.;

paragraphs [0029] [0030] [0033]).

[C]   As per claim 3, Johnson et al., teaches a system wherein the interactive insurance server

transmits the premium quotation to the agent interface for display to a user (Johnson et al.;

paragraph [0038] [0053] [0054] [0070]).

[D]   As per claim 5, Johnson et al. teaches a system wherein in response to a determination

that a premium quotation may not be issued, the interactive insurance server forwards the risk to

the carrier interface for consideration by an underwriter (Johnson et al.; paragraphs [0026]

[0036] [0037]).

NOTE: Johnson et al., teaches a plan configuration engine module which analyzes the customer's

census data and the insurance plan requirements data to ensure that the plan configured by the

salesperson can be sold to the customer (Johnson et al.; paragraphs [0036] [0037]). Johnson et

al., further teaches connection between the salesperson's (agent's) computer and a server

computer, the server computer being "maintained to provide customer information to non-sales

personnel such as underwriting" (Johnson et al.; paragraph [0026]). The examiner is interpreting

the above features of Johnson et al., as indicative of Johnson's intention to enable an agent, upon

determination that a customer's data prohibits the customer meeting the requirements for the

plans in the database, to forward the customer data to a company underwriter.

[i]   Regarding claims 2-3, and 5, the obviousness and motivation to combine as discussed

with regard to claim 1 above are applicable to claims 2-3, and 5 and are herein incorporated by

reference.

[E]   As per claim 6, Johnson et al., teaches a system for interactively evaluating a commercial

insurance risk based on underwriting information for an insurance carrier comprising: an agent

interface (Johnson et al.; paragraph [0008] [0026]); a database comprising underwriting

information comprising at least one underwriting rule for an insurance carrier (Johnson et al.;

paragraph [0036]); and an interactive insurance server communicatively connected to the agent

interface and the database through a network (Johnson et al.; paragraphs [0026] [0034]) wherein

the interactive insurance server receives insurance information comprising a commercial

insurance class from the agent interface (Johnson et al.; paragraph [0034]), stores the insurance

information on the database (Johnson et al.; paragraph [0034]), retrieves the respective

underwriting rules for the insurance carrier from the database (Johnson et al.; paragraphs [0034]

[0036]) and processes the insurance information in accordance with the respective underwriting

rules to determine whether a premium quotation may be issued for the insurance carrier (Johnson

et al.; paragraphs [0029] [0037]).

[i]   Although Johnson et al., provides functions that would indicate that Johnson et al.,

contemplated applying the system to insurance plans offered by multiple insurance carriers, e.g.,

user selection of insurance plans from multiple insurance plan options generated by the system

(Johnson et al.; paragraphs [0053] [0054]), and user access to documentation regarding the

insurance company providing the products (Johnson et al.; paragraph [0070]) indicating that

potentially more than one insurance company's data is accessible by the system, the Johnson

disclosure appears to be directed to in house use by a single carrier. Therefore, Johnson et al.

fails to teach interfaces to multiple or a plurality of insurance carriers.

[ii]   However, French et al., teaches receiving data/information related to the underwriting of

an insurance policy from a plurality of insurance carriers from the carrier interface (French et al.;

paragraphs [0029] [0030] [0033]).

[iii]   It would have been obvious to one of ordinary skill in the art at the time the invention

was made to have combined the teachings of Johnson et al. with those of French et al. Such

combination would have resulted in a system/method for the customized development of

insurance plans for a customer (Johnson et al.; Abstract). Additionally, such a system/method

would serve to store customer data and insurance plan requirements data in a database such that

customer selections/information and the insurance plan information could be used to construct a

set of insurance plans for consideration by the customer (Johnson et al.; paragraphs [0034]

[0036] [0037]). Lastly, such a method/system would expand the insurance plans available to the

customer to include a variety of plan proposals from two or more carriers (French et al.;

paragraph [0006]). The motivation to combine the teachings would have been to enable customer

selection from insurance plan proposals from one or more carriers who sell the desired product,

thereby providing the customer with the best price quote for the product (French et al.;

paragraphs [0006] and [0009]).

[F]   As per claim 7, Johnson et al., teaches a system wherein in response to a determination

that a premium quotation may be issued, the interactive insurance server calculates a premium

quotation for at least one insurance carrier (Johnson et al.; paragraphs [0029] [0036]). Johnson et

al., fails to specifically teach data/information exchange with two or more insurance companies.

[i]   However, French et al., teaches receiving data/information related to the underwriting of

an insurance policy from a plurality of insurance carriers from the carrier interface (French et al.;

paragraphs [0029] [0030] [0033]).

[G]   As per claim 8, Johnson et al., teaches a system wherein the interactive insurance server

transmits the premium quotation to the agent interface for display to a user (Johnson et al.;

paragraphs [0038] [0053] [0054] [0070]).

[i]   Regarding claims 7 and 8, the obviousness and motivation to combine as discussed with

regard to claim 6 above are applicable to claims 7 and 8 and are herein incorporated by

reference.

[H]   As per claim 10, Johnson et al. teaches a method for interactively evaluating a

commercial insurance risk in an interactive insurance system comprising an agent interface

(Johnson et al.; paragraph [0008] [0026]), a carrier interface (Johnson et al.; paragraph [0026])

and an interactive insurance server communicatively connected to the agent interface and the

carrier interface over a network (Johnson et al.; paragraphs [0026] [0043]), the method

comprising: receiving at the interactive insurance server underwriting information for an

insurance carrier (Johnson et al.; paragraphs [0011] [0036]) wherein the underwriting

information comprises at least one underwriting rule corresponding to one or more classes of

commercial insurance (Johnson et al.; paragraphs [0011] [0036]); receiving at the interactive

insurance server insurance information from the agent interface (Johnson et al.; paragraphs

[0034] wherein the insurance information comprises a commercial insurance class for which a

premium quotation is requested (Johnson et al.; paragraphs [0034] [0038]); storing the insurance

information and the underwriting information in a database associated with the interactive

insurance server (Johnson et al.; paragraphs [0034] [0036]); retrieving at least one underwriting

rule corresponding to the commercial insurance class for an insurance carrier (Johnson et al.;

paragraph [0037]); processing the insurance information in accordance with the respective

underwriting rules to determine whether a premium quotation may be issued for the insurance

carrier (Johnson et al.; paragraph [0037]).

[i]   Although Johnson et al., provides functions that would indicate that Johnson et al.,

contemplated applying the system to insurance plans/underwriting information offered by

multiple insurance carriers, e.g., user selection of insurance plans from multiple insurance plan

options generated by the system (Johnson et al.; paragraphs [0053] [0054]), and user access to

documentation regarding the insurance company providing the products (Johnson et al.;

paragraph [0070]) indicating that potentially more than one insurance company's data is

accessible by the system, the Johnson disclosure appears to be directed to in house use by a

single carrier. Therefore, Johnson et al. fails to teach interfaces to multiple or a plurality of

insurance carriers.

[ii]   However, French et al., teaches receiving data/information related to the underwriting of

an insurance policy from a plurality of insurance carriers from the carrier interface (French et al.;

paragraphs [0029] [0030] [0033]).

[iii]   It would have been obvious to one of ordinary skill in the art at the time the invention

was made to have combined the teachings of Johnson et al. with those of French et al. Such

combination would have resulted in a system/method for the customized development of

insurance plans for a customer (Johnson et al.; Abstract). Additionally, such a system/method

would serve to store customer data and insurance plan requirements data in a database such that

customer selections/information and the insurance plan information could be used to construct a

set of insurance plans for consideration by the customer (Johnson et al.; paragraphs [0034]

[0036] [0037]). Lastly, such a method/system would expand the insurance plans available to the customer to include a variety of plan proposals from two or more carriers (French et al.; paragraph [0006]). The motivation to combine the teachings would have been to enable customer selection from insurance plan proposals from one or more carriers who sell the desired product, thereby providing the customer with the best price quote for the product (French et al.; paragraphs [0006] and [0009]).

[I]   As per claim 11, Johnson et al., teaches a method further comprising calculating a premium quotation in response to a determination that a premium quotation may be issued (Johnson et al.; paragraphs [0029] [0036]).

[J]   As per claim 12, Johnson et al., teaches a method further comprising transmitting the premium quotation to the agent interface for display to a user (Johnson et al.; paragraphs [0038] [0053] [0054] [0070]).

[K]   As per claim 17, Johnson et al. teaches a method further comprising forwarding the insurance information to the carrier interface in response to a determination that a premium quotation may not be issued (Johnson et al.; paragraphs [0026] [0036] [0037]).

NOTE: Johnson et al., teaches a plan configuration engine module which analyzes the customer's census data and the insurance plan requirements data to ensure that the plan configured by the salesperson can be sold to the customer (Johnson et al.; paragraphs [0036] [0037]). Johnson et

al., further teaches connection between the salesperson's (agent's) computer and a server computer, the server computer "maintained to provide customer information to non-sales personnel such as underwriting" (Johnson et al.; paragraph [0026]). The examiner is interpreting the above features of Johnson et al., as indicative of Johnson's intention to enable an agent, upon determination that a customer's data prohibits the customer meeting the requirements for the plans in the database, to forward the customer data to a company underwriter.

[i]   Regarding claims 11-12, and 17 the obviousness and motivation to combine as discussed with regard to claim 10 above are applicable to claims 11 and 12 and are herein incorporated by reference.

[3]   Claims 4, 9, and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. and French et al. as applied to claims 1, 6, and 10 above, and further in view of Maury et al. (United States Patent Application Publication #2002/0046064)

[A]   As per claim 4, neither Johnson et al., nor French et al. teach issuing a policy online.

[i]   However, Maury et al., teaches wherein the interactive insurance server receives an acceptance of the premium quotation and issues an insurance policy based on the premium quotation (Maury et al.; Abstract and paragraph [0041]).

[ii]   It would have been obvious to one of ordinary skill in the art at the time the invention

was made to have combined the teachings of Johnson et al. and French et al., with those of

Maury et al. Such combination would have resulted in a system/method capable of storing

customer data and storing insurance plan requirements data such that the customer's data along

with the insurance plan requirements data could be utilized to generate a set of insurance plans

for consideration by the customer (Johnson et al.; paragraphs [0036] [0037]). Further, such

combination would enable the customer, upon making a selection, to purchase the product on-

line and would further allow the carrier to issue the policy online (Maury et al.; paragraph

[0041]). The motivation to combine the teachings would have been to furnish a customer with an

on-line quote for an insurance product in real-time and further enable a customer to purchase the

policy online (Maury et al.; paragraphs [0005] [0041]). Further motivation would have been to

allow an underwriter to copy underwriting rules to a server that houses a rating engine to enable

automated underwriting and on-line issuance of insurance products (Maury et al.; paragraph

[0041]) thereby reducing costs in terms of CSR personnel (Maury et al.; paragraph [0006]).

[B]   As per claim 9, neither Johnson et al., nor French et al. teach issuing a policy online.

[i]   However, Maury et al., teaches a system wherein the interactive insurance server receives

an acceptance of the premium quotation and issues an insurance policy based on the premium

quotation (Maury et al.; paragraph [0041]).

[ii]   It would have been obvious to one of ordinary skill in the art at the time the invention

was made to have combined the teachings of Johnson et al. and French et al., with those of

Maury et al. Such combination would enable the customer, upon making a selection (Johnson et

al.; paragraphs [0036] [0037]), to purchase the product online and would further allow the carrier

to issue the policy online (Maury et al.; paragraph [0041]). The motivation to combine the

teachings would have been to furnish a customer with an on-line quote for an insurance product

in real-time and further enable a customer to purchase the policy online (Maury et al.; Abstract

and paragraphs [0005] [0041]).

[C]   Regarding claims 13-16, Johnson et al., teaches transmitting insurance product related

information to and from an interactive insurance server for underwriting an insurance product

and displaying related data/proposals to a potential customer (Johnson et al.; Abstract and

paragraphs [0011] [0026]). However, neither Johnson et al., nor French et al., teach using their

systems for the online issuing of policies or associated activities that would occur following a

customer and carrier agreeing to terms, e.g., generating a policy or binder and transmitting a

policy or binder to the customer or agent via a computer network.

[i]   However, Maury et al. teaches a method in which the network described for the online

issuing of quotes is utilized for the issuing of policies online. Maury et al. teaches receiving an

acceptance of the premium quotation at the interactive insurance server and generating an

insurance policy based on the premium quotation and the insurance information (claims 13 and

15) (Maury et al.; paragraph [0041]), a method further comprising transmitting the insurance

policy to the agent interface for display to a user (claim 14) (Maury et al.; Abstract and

paragraph [0041]), and a method further comprising transmitting the policy binder to the agent

interface for display to a user (Maury et al.; Abstract and paragraph [0041]).

NOTE: Maury et al., "makes use of computer hardware and software to provide a user with an

on-line real time quote" (Maury et al.; Abstract). Further, Maury et al., indicates that during the

process of providing a user with an on-line quote, upon receiving "user data and coverage

information on a presentation server, deployable content profile information is retrieved by the

presentation server" (Maury et al.; Abstract). Lastly, Maury et al. teaches that the same process

and network technology is used for the "on-line purchasing and on-line issuance of insurance

products" (Maury et al.; paragraph [0041]). Taken in their entirety, the examiner interprets the

above noted features of the Maury et al. invention to encompass the applicant's transmitting

insurance policies and binders to the agent/customer.

[ii]   Regarding claims 13-16, it would have been obvious to one of ordinary skill in the art at

the time the invention was made to have combined the teachings of Johnson et al. and French et

al., with those of Maury et al. Such combination would have resulted in a system/method capable

of storing customer data and storing insurance plan requirements data such that the customer's

data along with the insurance plan requirements data could be utilized to generate a set of

insurance plans for consideration by the customer (Johnson et al.; paragraphs [0036] [0037]).

Further, such combination would enable the customer, upon making a selection, to purchase the

product on-line and would further allow the carrier to issue the policy online (Maury et al.;

paragraph [0041]). The motivation to combine the teachings would have been to furnish a

customer with an on-line quote for an insurance product over a computer network in real-time

(Maury et al.; paragraphs [0005] [0041]), and further utilize the same procedures and network

technologies to enable a customer to purchase the policy online (Maury et al.; paragraphs [0005]

[0041]). Further motivation would have been to allow an underwriter to copy underwriting rules

to a server that houses a rating engine to enable automated underwriting and on-line issuance of

insurance products (Maury et al.; paragraph [0041]) thereby reducing costs in terms of CSR

personnel (Maury et al.; paragraph [0006]).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Schotz, METHOD AND APPARATUS FOR FACILITATING OPERATION OF AN

INSURANCE PLAN, United States Patent #4,837,693

Ryan et al., COMPUTER SYSTEM FOR AUTOMATED COMPARING OF UNIVERSAL

LIFE INSURANCE POLICIES BASED ON SELECTABLE CRITERIA, United States Patent

#5,655,085

Joao, APPARTUS AND METHOD FOR PROCESSING LEASE INSURANCE

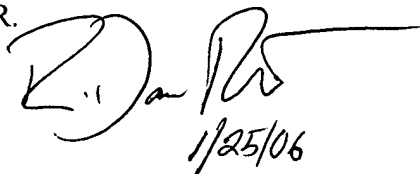INFORMATION, United States Patent #6,347,302

Freedman et al., AUTOMATED INSURANCE SYSTEM AND METHOD, United States Patent

Application Publication #2002/0002475.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Robert D. Rines whose telephone number is 571-272-5585. The

examiner can normally be reached on 8:30am - 5:00pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

R.D.R.

1/25/06

JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER